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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COREPHOTONICS, LTD.

Plaintiff,

vs.

APPLE INC.

Defendant.

Case No. 3:17-cv-06457-JD (Lead Case)
Case No. 3:18-cv-02555-JD

**JOINT STIPULATION AND
[PROPOSED] ORDER TO EXTEND
DISPOSITIVE MOTION DEADLINE**

1 Plaintiff Corephotonics, Ltd. and Defendant Apple Inc. stipulate pursuant to
2 Civil L.R. 6-2 and respectfully request, subject to the Court's approval, to extend the
3 deadline to file dispositive and *Daubert* motions in this patent infringement action.
4 Good cause exists to extend this deadline in the interests of judicial economy for the
5 Court. While there have been changes to briefing schedules requested by the parties,
6 this is the first requested extension of any deadline in the post-stay case schedule
7 (Dkt. 175) and does not affect the trial setting. Corephotonics' agreement to this
8 stipulation is conditioned on the adjustment not affecting the trial date set for this
9 matter. To the extent that adjusting the motion deadline would require adjustment
10 of the trial date in this matter, Corephotonics does not stipulate to any adjustment of
11 the dispositive motion and *Daubert* motion deadline.

12 The Court's claim construction order is currently pending after the *Markman*
13 hearing conducted on October 5, 2023. The deadline for the parties to file dispositive
14 and *Daubert* motions is currently February 1, 2024, and trial is set for June 24, 2024.
15 (Dkt. 175.) The parties are currently engaged in expert discovery.

16 The parties currently expect that some of the issues that may arise in
17 dispositive and *Daubert* motions may depend on the outcome of the disputed claim
18 construction issues currently pending before the Court. If the parties proceed with
19 motion practice before the issuance of the claim construction order, the parties will
20 need to brief contingent issues, some of which may become moot after the Court
21 issues the claim construction order. For example, the parties expect to file motions
22 for summary judgment on infringement and/or invalidity issues that depend in part
23 upon disputed claim construction positions. The parties expect that some potential
24 *Daubert* motions could also be informed by the Court's claim construction rulings.

25 In view of the foregoing, the parties respectfully submit that good cause exists
26 to modify the dispositive and *Daubert* motions deadline to ensure that the deadline
27 occurs after the issuance of the Court's claim construction order. As noted above,
28

Corephotonics joins in this request only to the extent it would not alter the current trial schedule. Thus, the parties jointly request, subject to the approval of the Court and the caveat by Corephotonics noted above, that the motions deadline be modified to occur fourteen (14) days after the issuance of the Court's claim construction order. A proposed order is submitted herewith.

DATED: January 18, 2024

RUSS AUGUST & KABAT

By: /s/ Brian D. Ledahl

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Pursuant to L.R. 5-1(i)(3), I attest that all signatories concurred in this filing and pursuant to Civil L.R. 6-2 declare that:

- (a) The reasons are set forth herein for the requested enlargement or shortening of time;
- (b) There have been no previous time modifications of the Court's Amended Scheduling Order (Dkt. 175); and
- (c) The requested time modification will not affect the trial setting.

By: /s/ Heidi Keefe
Heidi Keefe (178960)

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____ By: _____
Hon. James Donato
United States District Judge

CERTIFICATE OF SERVICE

I certify that counsel of record who are deemed to have consented to electronic service are being served on January 18, 2024 with a copy of this document via the Court's CM/ECF systems per Local Rule CV-5(a)(3). Any other counsel will be served by electronic mail, facsimile, overnight delivery and/or First Class Mail on this date.

/s/ Heidi L. Keefe